

Attorney's Docket No.: 07039-246001

MPB
20x Sep

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Thomas F. Smith et al. Art Unit : 1645
Serial No. : 10/066,432 Examiner : Unknown
Filed : January 31, 2002
Title : DETECTION OF HERPES SIMPLEX VIRUS

Box Missing Parts
U.S. Patent and Trademark Office
P.O. Box 2327
Arlington, VA 22202

TRANSMITTAL LETTER

The following documents relating to this application are enclosed.

1. Response to Notice to File Missing Parts of Application (1 page);
2. Copy of Notice to File Missing Parts (2 pages);
3. Combined Declarations and Powers of Attorney (2 pages);
4. Check in the amount of \$65 for late filing of the Declarations;
5. Paper copy of Sequence Listing (3 pages);
6. Computer readable copy of Sequence Listing (1 disk);
7. Verified Statement Under 37 CFR §1.821(f) (1 page); and
8. Postcard.

Please apply any charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: May 28, 2002

M. Angela Parsons

M. Angela Parsons, Ph.D.
Reg. No. 44,282

Fish & Richardson P.C., P.A.
60 South Sixth Street, Suite 3300
Minneapolis, MN 55402
Telephone: (612) 335-5070
Facsimile: (612) 288-9696
60087413.doc

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, Washington, D.C. 20231.

May 28, 2002

Date of Deposit

Jill Huso

Signature

Jill Huso

Typed or Printed Name of Person Signing Certificate

ew



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Thomas F. Smith et al.

Art Unit : 1645

Serial No. : 10/066,432

Examiner : Unknown

Filed : January 31, 2002

Title : DETECTION OF HERPES SIMPLEX VIRUS

Box Missing Parts

U.S. Patent and Trademark Office

P.O. Box 2327

Arlington, VA 22202

RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION

In response to the Notice to File Missing Parts mailed March 27, 2002 (copy enclosed), Applicants, as a Small Entity, submit the following:

1. Combined Declarations and Powers of Attorney in compliance with 37 CFR §1.63;
2. A check for \$65 for filing Declarations on a date later than the filing date of the application;
3. Paper copy of Sequence Listing;
4. Computer readable copy of Sequence Listing; and
5. Verified Statement Under 37 CFR §1.821(f).

It is understood that this perfects the application and no additional papers or filing fees are required. Please apply any other charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date:

May 28, 2002

M. Angela Parsons

M. Angela Parsons, Ph.D.

Reg. No. 44,282

Fish & Richardson P.C., P.A.

60 South Sixth Street,

Suite 3300

Minneapolis, MN 55402

Telephone: (612) 335-5070

Facsimile: (612) 288-9696

60087412.doc

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, Washington, D.C. 20231.

May 28, 2002

Date of Deposit

Signature

Jill Fusco

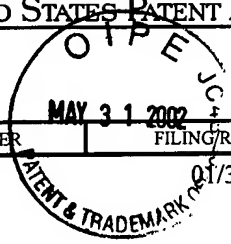
Typed or Printed Name of Person Signing Certificate



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/066,432	01/31/2002	Thomas F. Smith	07039-246001



CONFIRMATION NO. 5103

Mark S. Ellinger, Ph.D.
Fish & Richardson P.C., P.A.
Suite 3300
60 South Sixth Street
Minneapolis, MN 55402

DOCKETED BY PRACTICE SYSTEMS

Action Code 2M Sequence List

Base Date 3/27/02

Due Date 5/27/02

Deadline 10/27/02 9/27/02

Initials PEC On



Date Mailed: 03/27/2002

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

06/03/2002 TBESHAH1 00000080 10066432

FILED UNDER 37 CFR 1.53(b)

01 FC:205

65.00 OP

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 65.**
- This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

5/27/02
10/27/02 + 9/27/02
DAS 4/16/02

DOCKETED BY PRACTICE SYSTEMS

Action Code M 123456789

Base Date 3/27/02

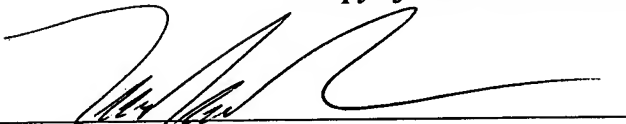
Due Date 5/27/02

Deadline 10/27/02

Initials PEC On

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

*A copy of this notice **MUST** be returned with the reply.*

A handwritten signature in black ink, consisting of a large, stylized 'M' followed by a horizontal line.

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE